

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jonathan Lee Riches, #404948-018,)	
)	C/A No.: 6:06-0194-MBS
Petitioner,)	
)	
vs.)	
)	
Bureau of Prisons; Michael Pettiford,)	O R D E R
Warden; and John Does 1-100,)	
)	
Respondents.)	
)	

Petitioner Jonathan Lee Riches is a federal inmate in custody of the Federal Bureau of Prisons. Petitioner, appearing pro se, filed an “Application for Temporary Restraining Order” on January 18, 2006. Petitioner requested the court prevent Defendants from moving him from Federal Correctional Institution (FCI)-Bennettsville to FCI-Williamsburg.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. The Magistrate Judge issued a Report and Recommendation on January 27, 2006 in which he recommended that the application for temporary restraining order be denied and the case dismissed without prejudice and without issuance and service of process. The Report and Recommendation was forwarded to Petitioner at his last known address at FCI Bennettsville. The envelope containing the Report and Recommendation was returned to the Office of the Clerk of Court on February 14, 2006. The court’s review of the record indicated that Petitioner’s new address was FCI-Williamsburg in Salters, South Carolina. The Report and Recommendation was mailed to Petitioner at the new address on February 24, 2006. Petitioner has filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

March 17, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.